

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/749,096
Applicant : Rafael Reif, et al.
Filed : December 30, 2003
T.C./A.U. : 2811
Examiner : Douglas W. Owens

Confirmation No.: 3177

Docket No. : MIT-136DUS
Customer No. : 022494

LETTER UNDER 37 C.F.R. §1.28(c)

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached please find a copy of a Letter Under 37 C.F.R. §1.28(c) filed on July 28, 2006. On January 29, 2007, Applicant's received a Letter from the Office of Petitions (dated January 23, 2007) that the submission under 37 C.F.R. §1.28 was accepted. A copy of this letter is also enclosed. Our records indicate, however, that the deficiency has not been deducted from our Deposit Account 50-0845 and we have not received any other correspondence regarding the deficiency. Please take any necessary action regarding this matter.

In the event any additional fees are required or in the event of a surplus paid, kindly charge or credit such amount, as appropriate, to our deposit account number 50-0845

Please do not hesitate to contact the below signing attorney if there are any questions regarding this submission or this application.

Dated: July 31, 2007

Respectfully submitted,

DALY, CROWLEY, MOFFORD & DURKEE, LLP

By: 

Christopher S. Daly

Reg. No. 37,303

Attorney for Applicant(s)

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UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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354A TURNPIKE STREET
CANTON MA 02021-2714

129-07

COPY MAILED

JAN 23 2007

OFFICE OF PETITIONS

In re Patent No. 7,067,909
Issue Date: June 27, 2006
Application No. 10/749,096
Filed: December 30, 2003

Attorney Docket No.: MIT-136DUS

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

COPY

PTO/SB/17 (12-04)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) **1,085**

Complete if Known

Application Number	10/749,096
Filing Date	December 30, 2003
First Named Inventor	Rafael Reif
Examiner Name	Douglas W. Owens
Art Unit	2811
Attorney Docket No.	MIT-136DUS

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 50-0845 Deposit Account Name: Daly, Crowley, Mofford & Durkee, LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims - 20 or HP = 0 x = 0 **Fee Paid (\$)**

HP = highest number of total claims paid for, if greater than 20

Indep. Claims - 3 or HP = 0 x = 0 **Fee Paid (\$)**

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).


Total Sheets - 100 = 0 / 50 = 0 (round up to a whole number) x 0 = 0 **Fee Paid (\$)**

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount) **Fees Paid (\$)**

Other: Calculation of Deficiency Owed 1085

SUBMITTED BY

Signature 	Registration No. (Attorney/Agent) <u>37,303</u>	Telephone <u>781.401.9988 ext. 11</u>
Name (Print/Type) <u>Christopher S. Daly</u>	Date <u>28 JUL 04</u>	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-identified patent application was filed on December 30, 2003. Status as a small entity was established in good faith. It was later discovered that such status as a small entity was established in error. In accordance with the provisions of 37 C.F.R. §1.28(c), Applicants respectfully request that the error be excused. A calculation of the deficiency owed and an itemization of the total deficiency payment in accordance with 37 C.F.R. §§1.28(c)(2)(i) and (ii) is provided hereinbelow:

Action Taken	Date	Fee Paid	Correct Fee	Difference
Response to File Missing Parts to Application	3-21-04	\$385.00	\$790.00	\$385.00
Issue Fee	4-24-06	\$1,000.00	\$1,700	\$700.00

TOTAL DEFICIENCY OWED:**\$1,085.00**

The total deficiency owed is \$1,085.00. Please charge such amount to our deposit account number 50-0845.

In the event any additional fees are required or in the event of a surplus paid, kindly charge or credit such amount, as appropriate, to our deposit account number 50-0845

Please do not hesitate to contact the below signing attorney if there are any questions regarding this submission or this application.

Dated: 28 JUL 06

Respectfully submitted,

DALY, CROWLEY, MOFFORD & DURKEE, LLP

By: 

Christopher S. Daly

Reg. No. 37,303

Attorney for Applicant(s)

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 **COPY**